

Senate Study Bill 3178

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to certain state
2 departments, agencies, funds, and certain other entities,
3 providing for regulatory authority, authorizing penalties, and
4 other properly related matters, and including effective date
5 and retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5177XG 81
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1 1 DIVISION I
1 2 ADMINISTRATION AND REGULATION APPROPRIATIONS
1 3 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES. There
1 4 is appropriated from the general fund of the state to the
1 5 department of administrative services for the fiscal year
1 6 beginning July 1, 2006, and ending June 30, 2007, the
1 7 following amounts, or so much thereof as is necessary, to be
1 8 used for the purposes designated:
1 9 1. For salaries, support, maintenance, and miscellaneous
1 10 purposes:
1 11 \$ 6,178,993
1 12 a. Of the moneys appropriated in this subsection, \$50,000
1 13 shall be separately accounted for in a distribution account
1 14 and shall be distributed to other governmental entities based
1 15 upon the formulas established by the department as described
1 16 in chapter 8A to pay for the support of the technology
1 17 governance board.
1 18 b. Of the moneys appropriated in this subsection, \$248,426
1 19 shall be separately accounted for in a distribution account
1 20 and shall be distributed to other governmental entities based
1 21 upon the formulas established by the department as described
1 22 in chapter 8A to pay for the information security office.
1 23 UTILITY COSTS
1 24 2. For the payment of utility costs:
1 25 \$ 3,420,865
1 26 Notwithstanding section 8.33, any excess funds appropriated
1 27 for utility costs in this subsection shall not revert to the
1 28 general fund of the state at the end of the fiscal year but
1 29 shall remain available for expenditure for the purposes of
1 30 this subsection during the fiscal year beginning July 1, 2007.
1 31 3. For financial administration duties:
1 32 \$ 200,000
1 33 4. Members of the general assembly serving as members of
1 34 the deferred compensation advisory board shall be entitled to
1 35 receive per diem and necessary travel and actual expenses
2 1 pursuant to section 2.10, subsection 5, while carrying out
2 2 their official duties as members of the board.
2 3 5. Any funds and premiums collected by the department for
2 4 workers' compensation shall be segregated into a separate
2 5 workers' compensation fund in the state treasury to be used
2 6 for payment of state employees' workers' compensation claims
2 7 and administrative costs. Notwithstanding section 8.33,
2 8 unencumbered or unobligated moneys remaining in this workers'
2 9 compensation fund at the end of the fiscal year shall not
2 10 revert but shall be available for expenditure for purposes of
2 11 the fund for subsequent fiscal years.
2 12 Sec. 2. DEPARTMENTAL START-UP FUNDING == REVOLVING FUNDS.
2 13 1. In addition to the amount appropriated to the
2 14 department of administrative services in section 1, subsection

2 15 1 of this Act, the department is authorized to expend an
2 16 additional amount not to exceed \$359,560 per fiscal year for
2 17 the purposes of the department for the fiscal period
2 18 commencing July 1, 2006, and ending June 30, 2010, and an
2 19 additional amount not to exceed \$91,810 for the fiscal year
2 20 commencing July 1, 2010. Such amounts shall be expended from
2 21 general fund moneys deposited in revolving funds under the
2 22 control of the department that were appropriated to the
2 23 department pursuant to 2004 Iowa Acts, chapter 1175, section
2 24 2.

2 25 2. Amounts expended pursuant to this section shall be
2 26 considered repayment amounts to the general fund and shall
2 27 reduce the total amount to be repaid to the general fund until
2 28 such time as the total amount of the general fund moneys
2 29 deposited in revolving funds under the control of the
2 30 department that were appropriated to the department pursuant
2 31 to 2004 Iowa Acts, chapter 1175, section 2, are repaid.

2 32 Sec. 3. REVOLVING FUNDS.

2 33 1. There is appropriated to the department of
2 34 administrative services for the fiscal year beginning July 1,
2 35 2006, and ending June 30, 2007, from the revolving funds
3 1 designated in chapter 8A and from internal service funds
3 2 created by the department, such amounts as the department
3 3 deems necessary for the operation of the department consistent
3 4 with the requirements of chapter 8A.

3 5 2. To enable the department to continue to operate in an
3 6 efficient and cost-effective manner, and to also ensure that
3 7 the department can continue to pay its bills in a timely
3 8 fashion consistent with state requirements and in the absence
3 9 of the specific general fund moneys repaid pursuant to section
3 10 2 of this Act, the department is authorized to combine the
3 11 balances of specific identified funds for purposes of
3 12 determining available resources for payments to be made by the
3 13 department. The authority granted in this subsection is
3 14 subject to all of the following:

3 15 a. Appropriate notice is provided by the department of
3 16 administrative services to the department of management and
3 17 the general assembly of the revolving fund balances to be used
3 18 for this purpose.

3 19 b. The department of management approves the use of the
3 20 revolving funds to be used by the department of administrative
3 21 services.

3 22 c. At no time should the total balance of the identified
3 23 revolving fund be negative.

3 24 d. At the end of each fiscal year, all identified funds
3 25 must have a positive balance.

3 26 e. The authority granted in this subsection shall be
3 27 exercised in a manner that is consistent with all other
3 28 applicable accounting requirements and generally accepted
3 29 accounting principles.

3 30 Sec. 4. FUNDING FOR IOWACCESS.

3 31 1. Notwithstanding section 321A.3, subsection 1, for the
3 32 fiscal year beginning July 1, 2006, and ending June 30, 2007,
3 33 the first \$1,000,000 collected and transferred by the
3 34 department of transportation to the treasurer of state with
3 35 respect to the fees for transactions involving the furnishing
4 1 of a certified abstract of a vehicle operating record under
4 2 section 321A.3, subsection 1, shall be transferred to the
4 3 IowaAccess revolving fund established by section 8A.224 and
4 4 administered by the department of administrative services for
4 5 the purposes of developing, implementing, maintaining, and
4 6 expanding electronic access to government records as provided
4 7 by law.

4 8 2. All fees collected with respect to transactions
4 9 involving IowaAccess shall be deposited in the IowaAccess
4 10 revolving fund and shall be used only for the support of
4 11 IowaAccess projects.

4 12 Sec. 5. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
4 13 CHARGE. For the fiscal year beginning July 1, 2006, and
4 14 ending June 30, 2007, the monthly per contract administrative
4 15 charge which may be assessed by the department of
4 16 administrative services shall be \$2 per contract on all health
4 17 insurance plans administered by the department.

4 18 Sec. 6. AUDITOR OF STATE. There is appropriated from the
4 19 general fund of the state to the office of the auditor of
4 20 state for the fiscal year beginning July 1, 2006, and ending
4 21 June 30, 2007, the following amount, or so much thereof as is
4 22 necessary, to be used for the purposes designated:

4 23 For salaries, support, maintenance, and miscellaneous
4 24 purposes:

4 25 \$ 1,207,341

4 26 The auditor of state may retain additional full=time
4 27 equivalent positions as is reasonable and necessary to perform
4 28 governmental subdivision audits which are reimbursable
4 29 pursuant to section 11.20 or 11.21, to perform audits which
4 30 are requested by and reimbursable from the federal government,
4 31 and to perform work requested by and reimbursable from
4 32 departments or agencies pursuant to section 11.5A or 11.5B.
4 33 The auditor of state shall notify the department of
4 34 management, the legislative fiscal committee, and the
4 35 legislative services agency of the additional full=time
5 1 equivalent positions retained.

5 2 Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
5 3 is appropriated from the general fund of the state to the Iowa
5 4 ethics and campaign disclosure board for the fiscal year
5 5 beginning July 1, 2006, and ending June 30, 2007, the
5 6 following amount, or so much thereof as is necessary, for the
5 7 purposes designated:
5 8 For salaries, support, maintenance, and miscellaneous
5 9 purposes:
5 10 \$ 497,056

5 11 Sec. 8. DEPARTMENT OF COMMERCE. There is appropriated
5 12 from the general fund of the state to the department of
5 13 commerce for the fiscal year beginning July 1, 2006, and
5 14 ending June 30, 2007, the following amounts, or so much
5 15 thereof as is necessary, for the purposes designated:

5 16 1. ALCOHOLIC BEVERAGES DIVISION
5 17 For salaries, support, maintenance, and miscellaneous
5 18 purposes:
5 19 \$ 1,930,962

5 20 2. BANKING DIVISION
5 21 For salaries, support, maintenance, and miscellaneous
5 22 purposes:
5 23 \$ 7,222,008

5 24 3. CREDIT UNION DIVISION
5 25 For salaries, support, maintenance, and miscellaneous
5 26 purposes:
5 27 \$ 1,455,874

5 28 4. INSURANCE DIVISION
5 29 a. For salaries, support, maintenance, and miscellaneous
5 30 purposes:
5 31 \$ 4,517,481

5 32 b. The insurance division may reallocate authorized full=
5 33 time equivalent positions as necessary to respond to
5 34 accreditation recommendations or requirements. The insurance
5 35 division expenditures for examination purposes may exceed the
6 1 projected receipts, refunds, and reimbursements, estimated
6 2 pursuant to section 505.7, subsection 7, including the
6 3 expenditures for retention of additional personnel, if the
6 4 expenditures are fully reimbursable and the division first
6 5 does both of the following:
6 6 (1) Notifies the department of management, the legislative
6 7 services agency, and the legislative fiscal committee of the
6 8 need for the expenditures.
6 9 (2) Files with each of the entities named in subparagraph
6 10 (1) the legislative and regulatory justification for the
6 11 expenditures, along with an estimate of the expenditures.

6 12 c. The insurance division shall allocate \$10,000 from the
6 13 examination receipts for the payment of its fees to the
6 14 national council of insurance legislators.

6 15 5. PROFESSIONAL LICENSING AND REGULATION BUREAU
6 16 For salaries, support, maintenance, and miscellaneous
6 17 purposes:
6 18 \$ 793,462

6 19 6. UTILITIES DIVISION
6 20 a. For salaries, support, maintenance, and miscellaneous
6 21 purposes:
6 22 \$ 7,230,820

6 23 b. The utilities division may expend additional funds,
6 24 including funds for additional personnel, if those additional
6 25 expenditures are actual expenses which exceed the funds
6 26 budgeted for utility regulation and the expenditures are fully
6 27 reimbursable. Before the division expends or encumbers an
6 28 amount in excess of the funds budgeted for regulation, the
6 29 division shall first do both of the following:
6 30 (1) Notify the department of management, the legislative
6 31 services agency, and the legislative fiscal committee of the
6 32 need for the expenditures.
6 33 (2) File with each of the entities named in subparagraph
6 34 (1) the legislative and regulatory justification for the
6 35 expenditures, along with an estimate of the expenditures.

7 1 7. CHARGES == TRAVEL. Each division and the office of

7 2 consumer advocate shall include in its charges assessed or
7 3 revenues generated, an amount sufficient to cover the amount
7 4 stated in its appropriation, and any state-assessed indirect
7 5 costs determined by the department of administrative services.
7 6 The director of the department of commerce shall review on a
7 7 quarterly basis all out-of-state travel for the previous
7 8 quarter for officers and employees of each division of the
7 9 department if the travel is not already authorized by the
7 10 executive council.

7 11 Sec. 9. PROFESSIONAL LICENSING AND REGULATION. There is
7 12 appropriated from the housing improvement fund of the Iowa
7 13 department of economic development to the bureau of
7 14 professional licensing and regulation of the banking division
7 15 of the department of commerce for the fiscal year beginning
7 16 July 1, 2006, and ending June 30, 2007, the following amount,
7 17 or so much thereof as is necessary, to be used for the
7 18 purposes designated:
7 19 For salaries, support, maintenance, and miscellaneous
7 20 purposes:
7 21 \$ 62,317

7 22 Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is
7 23 appropriated from the general fund of the state to the offices
7 24 of the governor and the lieutenant governor for the fiscal
7 25 year beginning July 1, 2006, and ending June 30, 2007, the
7 26 following amounts, or so much thereof as is necessary, to be
7 27 used for the purposes designated:

7 28 1. GENERAL OFFICE
7 29 For salaries, support, maintenance, and miscellaneous
7 30 purposes for the general office of the governor and the
7 31 general office of the lieutenant governor:
7 32 \$ 1,911,168

7 33 2. TERRACE HILL QUARTERS
7 34 For salaries, support, maintenance, and miscellaneous
7 35 purposes for the governor's quarters at Terrace Hill:
8 1 \$ 401,309

8 2 3. ADMINISTRATIVE RULES COORDINATOR
8 3 For salaries, support, maintenance, and miscellaneous
8 4 purposes for the office of administrative rules coordinator:
8 5 \$ 150,013

8 6 4. NATIONAL GOVERNORS ASSOCIATION
8 7 For payment of Iowa's membership in the national governors
8 8 association:
8 9 \$ 80,600

8 10 5. STATE-FEDERAL RELATIONS
8 11 For salaries, support, maintenance, and miscellaneous
8 12 purposes:
8 13 \$ 115,748

8 14 Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
8 15 1. There is appropriated from the general fund of the
8 16 state to the governor's office of drug control policy for the
8 17 fiscal year beginning July 1, 2006, and ending June 30, 2007,
8 18 the following amount, or so much thereof as is necessary, to
8 19 be used for the purposes designated:
8 20 For salaries, support, maintenance, and miscellaneous
8 21 purposes, including statewide coordination of the drug abuse
8 22 resistance education (D.A.R.E.) programs or similar programs:
8 23 \$ 307,730

8 24 2. The governor's office of drug control policy, in
8 25 consultation with the Iowa department of public health, and
8 26 after discussion and collaboration with all interested
8 27 agencies, shall coordinate substance abuse treatment and
8 28 prevention efforts in order to avoid duplication of services.

8 29 Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is
8 30 appropriated from the general fund of the state to the
8 31 department of human rights for the fiscal year beginning July
8 32 1, 2006, and ending June 30, 2007, the following amounts, or
8 33 so much thereof as is necessary, to be used for the purposes
8 34 designated:

8 35 1. CENTRAL ADMINISTRATION DIVISION
9 1 For salaries, support, maintenance, and miscellaneous
9 2 purposes:
9 3 \$ 387,028

9 4 2. DEAF SERVICES DIVISION
9 5 For salaries, support, maintenance, and miscellaneous
9 6 purposes:
9 7 \$ 374,367

9 8 The fees collected by the division for provision of
9 9 interpretation services by the division to obligated agencies
9 10 shall be disbursed pursuant to the provisions of section 8.32,
9 11 and shall be dedicated and used by the division for continued
9 12 and expanded interpretation services.

9 13 3. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE
 9 14 DIVISION
 9 15 For salaries, support, maintenance, and miscellaneous
 9 16 purposes:
 9 17 \$ 86,000
 9 18 4. PERSONS WITH DISABILITIES DIVISION
 9 19 For salaries, support, maintenance, and miscellaneous
 9 20 purposes:
 9 21 \$ 193,531
 9 22 5. LATINO AFFAIRS DIVISION
 9 23 For salaries, support, maintenance, and miscellaneous
 9 24 purposes:
 9 25 \$ 170,749
 9 26 6. STATUS OF WOMEN DIVISION
 9 27 For salaries, support, maintenance, and miscellaneous
 9 28 purposes, including the Iowans in transition program, and the
 9 29 domestic violence and sexual assault-related grants:
 9 30 \$ 335,501
 9 31 7. STATUS OF AFRICAN-AMERICANS DIVISION
 9 32 For salaries, support, maintenance, and miscellaneous
 9 33 purposes:
 9 34 \$ 171,655
 9 35 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 10 1 For salaries, support, maintenance, and miscellaneous
 10 2 purposes:
 10 3 \$ 1,098,026
 10 4 The criminal and juvenile justice planning advisory council
 10 5 and the juvenile justice advisory council shall coordinate
 10 6 their efforts in carrying out their respective duties relative
 10 7 to juvenile justice.
 10 8 9. SHARED STAFF. The divisions of the department of human
 10 9 rights shall retain their individual administrators, but shall
 10 10 share staff to the greatest extent possible.
 10 11 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 10 12 appropriated from the general fund of the state to the
 10 13 department of inspections and appeals for the fiscal year
 10 14 beginning July 1, 2006, and ending June 30, 2007, the
 10 15 following amounts, or so much thereof as is necessary, for the
 10 16 purposes designated:
 10 17 1. ADMINISTRATION DIVISION
 10 18 For salaries, support, maintenance, and miscellaneous
 10 19 purposes:
 10 20 \$ 2,091,251
 10 21 Of the funds appropriated in this subsection, \$375,000 is
 10 22 allocated for the purpose of conducting inspections of food
 10 23 establishments in Polk and Jasper counties based on the number
 10 24 of establishments transferred to the state in the fiscal year
 10 25 beginning July 1, 2005. If either Polk or Jasper county or
 10 26 both contract with the department of inspections and appeals
 10 27 to conduct these inspections during the fiscal year beginning
 10 28 July 1, 2006, the amount of the appropriation allocated in
 10 29 this paragraph shall be reduced by a prorated amount for the
 10 30 fiscal year not to exceed \$375,000.
 10 31 2. ADMINISTRATIVE HEARINGS DIVISION
 10 32 For salaries, support, maintenance, and miscellaneous
 10 33 purposes:
 10 34 \$ 634,647
 10 35 3. INVESTIGATIONS DIVISION
 11 1 For salaries, support, maintenance, and miscellaneous
 11 2 purposes:
 11 3 \$ 1,491,003
 11 4 4. HEALTH FACILITIES DIVISION
 11 5 For salaries, support, maintenance, and miscellaneous
 11 6 purposes:
 11 7 \$ 2,339,742
 11 8 5. EMPLOYMENT APPEAL BOARD
 11 9 For salaries, support, maintenance, and miscellaneous
 11 10 purposes:
 11 11 \$ 54,600
 11 12 The employment appeal board shall be reimbursed by the
 11 13 labor services division of the department of workforce
 11 14 development for all costs associated with hearings conducted
 11 15 under chapter 91C, related to contractor registration. The
 11 16 board may expend, in addition to the amount appropriated under
 11 17 this subsection, additional amounts as are directly billable
 11 18 to the labor services division under this subsection and to
 11 19 retain the additional full-time equivalent positions as needed
 11 20 to conduct hearings required pursuant to chapter 91C.
 11 21 6. CHILD ADVOCACY BOARD
 11 22 For foster care review and the court appointed special
 11 23 advocate program, including salaries, support, maintenance,

11 24 and miscellaneous purposes:
 11 25 \$ 2,068,667
 11 26 a. The department of human services, in coordination with
 11 27 the child advocacy board, and the department of inspections
 11 28 and appeals, shall submit an application for funding available
 11 29 pursuant to Title IV-E of the federal Social Security Act for
 11 30 claims for child advocacy board, administrative review costs.
 11 31 b. The court appointed special advocate program shall
 11 32 investigate and develop opportunities for expanding fund=
 11 33 raising for the program.
 11 34 c. Administrative costs charged by the department of
 12 35 inspections and appeals for items funded under this subsection
 12 1 shall not exceed 4 percent of the amount appropriated in this
 12 2 subsection.
 12 3 Sec. 14. MUNICIPAL CORPORATION INSPECTIONS == CONTINGENT
 12 4 APPROPRIATION. If a municipal corporation operating pursuant
 12 5 to a chapter 28E agreement with the department of inspections
 12 6 and appeals to enforce chapters 137C, 137D, and 137F either
 12 7 fails to renew the agreement effective after July 1, 2006, or
 12 8 discontinues enforcement activities in one or more
 12 9 jurisdictions during the agreement time frame, or the
 12 10 department of inspections and appeals cancels an agreement due
 12 11 to noncompliance with the terms of the agreement, the
 12 12 department of inspections and appeals may employ additional
 12 13 full-time equivalent positions to enforce the provisions of
 12 14 those chapters, with the approval of the department of
 12 15 management. Before approval is given, the director of the
 12 16 department of management shall determine that the expenses
 12 17 exceed the funds budgeted by the general assembly for food
 12 18 inspections to the department of inspections and appeals. The
 12 19 department of inspections and appeals may hire no more than
 12 20 one full-time equivalent position for each six hundred
 12 21 inspections required pursuant to chapters 137C, 137D, and
 12 22 137F.
 12 23 Notwithstanding chapter 137D, and sections 137C.9 and
 12 24 137F.6, if the conditions described in this section are met,
 12 25 fees imposed pursuant to that chapter and those sections shall
 12 26 be retained by and are appropriated to the department of
 12 27 inspections and appeals to provide for salaries, support,
 12 28 maintenance, and miscellaneous purposes associated with the
 12 29 additional inspections.
 12 30 Sec. 15. RACING AND GAMING COMMISSION.
 12 31 1. RACETRACK REGULATION
 12 32 There is appropriated from the general fund of the state to
 12 33 the racing and gaming commission of the department of
 12 34 inspections and appeals for the fiscal year beginning July 1,
 12 35 2006, and ending June 30, 2007, the following amount, or so
 13 1 much thereof as is necessary, to be used for the purposes
 13 2 designated:
 13 3 For salaries, support, maintenance, and miscellaneous
 13 4 purposes for the regulation of pari-mutuel racetracks:
 13 5 \$ 2,657,394
 13 6 2. EXCURSION BOAT REGULATION
 13 7 There is appropriated from the general fund of the state to
 13 8 the racing and gaming commission of the department of
 13 9 inspections and appeals for the fiscal year beginning July 1,
 13 10 2006, and ending June 30, 2007, the following amount, or so
 13 11 much thereof as is necessary, to be used for the purposes
 13 12 designated:
 13 13 For salaries, support, maintenance, and miscellaneous
 13 14 purposes for administration and enforcement of the excursion
 13 15 boat gambling laws:
 13 16 \$ 3,199,440
 13 17 Sec. 16. USE TAX APPROPRIATION. There is appropriated
 13 18 from the use tax receipts collected pursuant to sections
 13 19 423.26 and 423.27 prior to their deposit in the road use tax
 13 20 fund pursuant to section 423.43 to the administrative hearings
 13 21 division of the department of inspections and appeals for the
 13 22 fiscal year beginning July 1, 2006, and ending June 30, 2007,
 13 23 the following amount, or so much thereof as is necessary, for
 13 24 the purposes designated:
 13 25 For salaries, support, maintenance, and miscellaneous
 13 26 purposes:
 13 27 \$ 1,482,436
 13 28 Sec. 17. DEPARTMENT OF MANAGEMENT. There is appropriated
 13 29 from the general fund of the state to the department of
 13 30 management for the fiscal year beginning July 1, 2006, and
 13 31 ending June 30, 2007, the following amounts, or so much
 13 32 thereof as is necessary, to be used for the purposes
 13 33 designated:
 13 34 1. GENERAL OFFICE

13 35 For salaries, support, maintenance, and miscellaneous
 14 1 purposes:
 14 2 \$ 2,338,832
 14 3 2. ENTERPRISE RESOURCE PLANNING
 14 4 If funding is provided for the redesign of the enterprise
 14 5 resource planning budget system for the fiscal year beginning
 14 6 July 1, 2006, then there is appropriated from the general fund
 14 7 of the state to the department of management for the fiscal
 14 8 year beginning July 1, 2006, and ending June 30, 2007, the
 14 9 following amount, or so much thereof as is necessary, to be
 14 10 used for the purposes designated:
 14 11 For salaries, support, maintenance, and miscellaneous
 14 12 purposes for administration of the enterprise resource
 14 13 planning system:
 14 14 \$ 119,435
 14 15 3. SALARY MODEL ADMINISTRATOR
 14 16 For salary, support, and miscellaneous purposes of the
 14 17 salary model administrator:
 14 18 \$ 127,936
 14 19 The salary model administrator shall work in conjunction
 14 20 with the legislative services agency to maintain the state's
 14 21 salary model used for analyzing, comparing, and projecting
 14 22 state employee salary and benefit information, including
 14 23 information relating to employees of the state board of
 14 24 regents. The department of revenue, the department of
 14 25 administrative services, the five institutions under the
 14 26 jurisdiction of the state board of regents, the judicial
 14 27 district departments of correctional services, and the state
 14 28 department of transportation shall provide salary data to the
 14 29 department of management and the legislative services agency
 14 30 to operate the state's salary model. The format and frequency
 14 31 of provision of the salary data shall be determined by the
 14 32 department of management and the legislative services agency.
 14 33 The information shall be used in collective bargaining
 14 34 processes under chapter 20 and in calculating the funding
 14 35 needs contained within the annual salary adjustment
 15 1 legislation. A state employee organization as defined in
 15 2 section 20.3, subsection 4, may request information produced
 15 3 by the model, but the information provided shall not contain
 15 4 information attributable to individual employees.
 15 5 4. To fund grants awarded by the local government
 15 6 innovation commission:
 15 7 \$ 1,000,000
 15 8 Funds appropriated under this subsection shall also be used
 15 9 for operation and staffing of the local government innovation
 15 10 commission.
 15 11 Notwithstanding section 8.33, moneys appropriated in this
 15 12 subsection that remain unencumbered or unobligated at the
 15 13 close of the fiscal year shall not revert but shall remain
 15 14 available for expenditure for the purpose designated until the
 15 15 close of the succeeding fiscal year.
 15 16 Sec. 18. ROAD USE TAX APPROPRIATION. There is
 15 17 appropriated from the road use tax fund to the department of
 15 18 management for the fiscal year beginning July 1, 2006, and
 15 19 ending June 30, 2007, the following amount, or so much thereof
 15 20 as is necessary, to be used for the purposes designated:
 15 21 For salaries, support, maintenance, and miscellaneous
 15 22 purposes:
 15 23 \$ 56,000
 15 24 Sec. 19. SECRETARY OF STATE. There is appropriated from
 15 25 the general fund of the state to the office of the secretary
 15 26 of state for the fiscal year beginning July 1, 2006, and
 15 27 ending June 30, 2007, the following amounts, or so much
 15 28 thereof as is necessary, to be used for the purposes
 15 29 designated:
 15 30 1. ADMINISTRATION AND ELECTIONS
 15 31 For salaries, support, maintenance, and miscellaneous
 15 32 purposes:
 15 33 \$ 707,942
 15 34 The state department or state agency which provides data
 15 35 processing services to support voter registration file
 16 1 maintenance and storage shall provide those services without
 16 2 charge.
 16 3 2. BUSINESS SERVICES
 16 4 For salaries, support, maintenance, and miscellaneous
 16 5 purposes:
 16 6 \$ 2,003,091
 16 7 Sec. 20. SECRETARY OF STATE FILING FEES REFUND.
 16 8 Notwithstanding the obligation to collect fees pursuant to the
 16 9 provisions of section 490.122, subsection 1, paragraphs "a"
 16 10 and "s", and section 504.113, subsection 1, paragraphs "a",

16 11 "c", "d", "j", "k", "l", and "m", for the fiscal year
16 12 beginning July 1, 2006, and ending June 30, 2007, the
16 13 secretary of state may refund these fees to the filer pursuant
16 14 to rules established by the secretary of state. The decision
16 15 of the secretary of state not to issue a refund under rules
16 16 established by the secretary of state is final and not subject
16 17 to review pursuant to the provisions of the Iowa
16 18 administrative procedure Act, chapter 17A.

16 19 Sec. 21. TREASURER. There is appropriated from the
16 20 general fund of the state to the office of treasurer of state
16 21 for the fiscal year beginning July 1, 2006, and ending June
16 22 30, 2007, the following amount, or so much thereof as is
16 23 necessary, to be used for the purposes designated:

16 24 For salaries, support, maintenance, and miscellaneous
16 25 purposes:

16 26 \$ 936,624

16 27 The office of treasurer of state shall supply clerical and
16 28 secretarial support for the executive council.

16 29 Sec. 22. IPERS == GENERAL OFFICE. There is appropriated
16 30 from the Iowa public employees' retirement system fund to the
16 31 Iowa public employees' retirement system for the fiscal year
16 32 beginning July 1, 2006, and ending June 30, 2007, the
16 33 following amount, or so much thereof as is necessary, to be
16 34 used for the purposes designated:

16 35 For salaries, support, maintenance, and other operational
17 1 purposes to pay the costs of the Iowa public employees'
17 2 retirement system:

17 3 \$ 16,756,131

17 4 Sec. 23. DEPARTMENT OF REVENUE. There is appropriated
17 5 from the general fund of the state to the department of
17 6 revenue for the fiscal year beginning July 1, 2006, and ending
17 7 June 30, 2007, the following amounts, or so much thereof as is
17 8 necessary, to be used for the purposes designated:

17 9 For salaries, support, maintenance, and miscellaneous
17 10 purposes:

17 11 \$ 23,247,516

17 12 Of the funds appropriated pursuant to this section,
17 13 \$400,000 shall be used to pay the direct costs of compliance
17 14 related to the collection and distribution of local sales and
17 15 services taxes imposed pursuant to chapters 423B and 423E.

17 16 The department of revenue shall submit a written report to
17 17 the general assembly by January 1, 2007, concerning the
17 18 department's progress in developing a system to track tax
17 19 credits.

17 20 Sec. 24. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
17 21 appropriated from the motor fuel tax fund created by section
17 22 452A.77 to the department of revenue for the fiscal year
17 23 beginning July 1, 2006, and ending June 30, 2007, the
17 24 following amount, or so much thereof as is necessary, to be
17 25 used for the purposes designated:

17 26 For salaries, support, maintenance, and miscellaneous
17 27 purposes for administration and enforcement of the provisions
17 28 of chapter 452A and the motor vehicle use tax program:

17 29 \$ 1,258,042

17 30 Sec. 25. VETERANS TRUST FUND == FEDERAL REPLACEMENT FUNDS.
17 31 If funds are received from the United States department of
17 32 veterans affairs for the establishment and operation of a
17 33 veterans cemetery in this state, a portion of those funds, not
17 34 to exceed \$500,000, shall be appropriated to and deposited in
17 35 the veterans trust fund established in section 35A.13 subject
18 1 to the requirements of this section and consistent with any
18 2 federal requirements associated with such funds. The portion
18 3 deposited in the veterans trust fund shall be equal to moneys
18 4 expended for the establishment and operation of a veterans
18 5 cemetery from moneys appropriated for that purpose pursuant to
18 6 2004 Iowa Acts, chapter 1175, section 288, subsection 16.

18 7 DIVISION II 18 8 MISCELLANEOUS PROVISIONS

18 9 Sec. 26. Section 7.13, Code 2005, is amended to read as
18 10 follows:

18 11 7.13 GOVERNOR=ELECT EXPENSE FUND.

18 12 There is hereby created as a permanent fund in the office
18 13 of the treasurer of state a fund to be known as the "governor=
18 14 elect expense fund". For the purpose of establishing and
18 15 maintaining said fund, for each biennium, there is ~~hereby~~
18 16 appropriated ~~thereto to the fund~~ from funds in the general
18 17 fund not otherwise appropriated the sum of ~~ten one hundred~~
18 18 thousand dollars, or so much thereof as may be necessary, to
18 19 pay for office space, supplies, postage, and secretarial and
18 20 clerical salaries after the day of the election and before the
18 21 day of the inauguration for a first term governor=elect. Any

18 22 balance in said fund at the end of each biennium shall revert
18 23 to the general fund. Said fund shall be subject at all times
18 24 to the warrant of the director of the department of
18 25 administrative services drawn upon written requisition of the
18 26 governor=elect. In event of a contested election, ~~no~~
18 27 distribution of the fund ~~will~~ shall not be made until such
18 28 time as the general assembly certifies the results of the
18 29 election.

18 30 Sec. 27. Section 216A.2, Code 2005, is amended by adding
18 31 the following new subsection:

18 32 NEW SUBSECTION. 9. Solicit and accept gifts and grants.

18 33 Sec. 28. Section 421.17, subsection 27, paragraphs a, c,
18 34 d, e, g, and h, Code Supplement 2005, are amended to read as
18 35 follows:

19 1 a. To establish, administer, and make available a
19 2 centralized debt collection capability and procedure for the
19 3 use by any state agency ~~as defined in section 8A.504 or local~~
19 4 ~~government entity including, but not limited to, the~~
19 5 ~~department of revenue, along with other boards, commissions,~~
19 6 ~~departments, and any other entity reported in the Iowa~~
19 7 ~~comprehensive annual financial report,~~ to collect delinquent
19 8 accounts, charges, fees, loans, taxes, or other indebtedness
19 9 owed to or being collected by the state. The department's
19 10 collection facilities shall only be available for use by other
19 11 state agencies or local government entities for their
19 12 discretionary use when resources are available to the director
19 13 and subject to the director's determination that use of the
19 14 procedure is feasible. The director shall prescribe the
19 15 appropriate form and manner in which this information is to be
19 16 submitted to the office of the department. The obligations or
19 17 indebtedness must be delinquent and not subject to litigation,
19 18 claim, appeal, or review pursuant to the appropriate remedies
19 19 of each state agency or local government entity.

19 20 c. The director shall establish a formal debt collection
19 21 policy for use by state agencies and local government entities
19 22 which have not established their own policy. Other state
19 23 agencies and local government entities may use the collection
19 24 facilities of the department pursuant to formal agreement with
19 25 the department. The agreement shall provide that the
19 26 information provided to the department shall be sufficient to
19 27 establish the obligation in a court of law and to render it as
19 28 a legal judgment on behalf of the state or the local
19 29 government agency. After transferring the file to the

19 30 department for collection, an individual state agency or the
19 31 local government agency shall terminate all collection
19 32 procedures and be available to provide assistance to the
19 33 department. Upon receipt of the file, the department shall
19 34 assume all liability for its actions without recourse to the
19 35 agency or the local government agency, and shall comply with
20 1 all applicable state and federal laws governing collection of
20 2 the debt. The department may use a participating agency's or
20 3 local government agency's statutory collection authority to

20 4 collect the participating agency's delinquent accounts,
20 5 charges, fees, loans, taxes, or other indebtedness owed to or
20 6 being collected by the state. The department has the powers
20 7 granted in this section regarding setoff from income tax
20 8 refunds or other accounts payable by the state for any of the
20 9 obligations transferred by state agencies or local government
20 10 agencies.

20 11 d. The department's existing right to credit against tax
20 12 due shall not be impaired by any right granted to, or duty
20 13 imposed upon, the department or other state agency or local
20 14 government agency by this section.

20 15 e. All state agencies and local government agencies shall
20 16 be given access, at the discretion of the director, to the
20 17 centralized computer data bank and, notwithstanding any other
20 18 provision of law to the contrary, may deny, revoke, or suspend
20 19 any license or deny any renewal authorized by the laws of this
20 20 state to any person who has defaulted on an obligation owed to
20 21 or collected by the state. The confidentiality provisions of
20 22 sections 422.20 and 422.72 do not apply to tax information
20 23 contained in the centralized computer data bank. State
20 24 agencies and local government agencies shall endeavor to
20 25 obtain the applicant's social security or federal tax
20 26 identification number, or state driver's license number from
20 27 all applicants.

20 28 g. The director shall adopt administrative rules to
20 29 implement this ~~section~~ subsection, including, but not limited
20 30 to, rules necessary to prevent conflict with federal laws and
20 31 regulations or the loss of federal funds, to establish
20 32 procedures necessary to guarantee due process of law, and to

20 33 provide for reimbursement of the department by other state
20 34 agencies and local government entities for the department's
20 35 costs related to debt collection for state agencies and local
21 1 government entities.

21 2 h. The director shall report quarterly to the legislative
21 3 fiscal committee, the legislative services agency, and the
21 4 chairpersons and ranking members of the joint ~~administration~~
21 5 appropriations subcommittee on administration and regulation
21 6 concerning the implementation of the centralized debt
21 7 collection program, the number of departmental collection
21 8 programs initiated, the amount of debts collected, and an
21 9 estimate of future costs and benefits which may be associated
21 10 with the collection program. It is the intent of the general
21 11 assembly that the centralized debt collection program will
21 12 result in the collection of at least two dollars of
21 13 indebtedness for every dollar expended in administering the
21 14 collection program during a fiscal year. ~~It is also the~~
~~21 15 intent of the general assembly that the centralized debt~~
~~21 16 collection program be administered without the anticipation of~~
~~21 17 future additional commitments of computer equipment and~~
~~21 18 personnel.~~

21 19 Sec. 29. Section 421.17, subsection 27, Code Supplement
21 20 2005, is amended by adding the following new paragraph:
21 21 NEW PARAGRAPH. j. There is appropriated from the amount
21 22 of any debt actually collected pursuant to this subsection an
21 23 amount, not to exceed the amount collected, which is
21 24 sufficient to pay for salaries, support, maintenance,
21 25 services, and other costs incurred by the department related
21 26 to the administration of this subsection. The director shall
21 27 report annually to the legislative fiscal committee and the
21 28 legislative services agency on the costs incurred during the
21 29 previous fiscal year pursuant to this subsection.

21 30 Sec. 30. Section 422.26, unnumbered paragraph 6, Code
21 31 2005, is amended to read as follows:

~~21 32 The department shall pay, from moneys appropriated to the~~
~~21 33 department for this purpose, a recording fee as provided in~~
21 34 section 331.604, for the recording of the lien, or for its
21 35 satisfaction.

22 1 Sec. 31. Section 453A.7, unnumbered paragraph 2, Code
22 2 2005, is amended to read as follows:

22 3 There is appropriated annually from the general fund of the
22 4 state ~~the sum of one hundred fifteen thousand dollars any~~
~~22 5 funds in the state treasury not otherwise appropriated.~~
22 6 sufficient funds to carry out the provisions of this section.

22 7 Sec. 32. REPEALS.

22 8 1. Section 8.8, Code Supplement 2005, is repealed.

22 9 2. Section 331.660, Code 2005, is repealed.

22 10 3. Sections 422.120, 422.121, and 422.122, Code 2005, are
22 11 repealed.

22 12 Sec. 33. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. The
22 13 provision of this division of this Act repealing sections
22 14 422.120, 422.121, and 422.122, being deemed of immediate
22 15 importance, takes effect upon enactment and is retroactively
22 16 applicable to January 1, 2006, and is applicable for tax years
22 17 beginning on or after that date.

22 18 DIVISION III

22 19 REASSIGNMENT OF PROFESSIONAL LICENSING AND REGULATION DIVISION

22 20 Sec. 34. Section 8A.412, subsection 19, Code Supplement
22 21 2005, is amended to read as follows:

22 22 19. The superintendent of the banking division of the
22 23 department of commerce, all members of the state banking
22 24 council, and all employees of the banking division except for
~~22 25 employees of the professional licensing and regulation bureau~~
~~22 26 of the division.~~

22 27 Sec. 35. Section 524.208, Code 2005, is amended to read as
22 28 follows:

22 29 524.208 EXAMINERS AND OTHER EMPLOYEES.

22 30 The superintendent may appoint examiners and other
22 31 employees as the superintendent deems necessary to the proper
22 32 discharge of the duties imposed upon the superintendent by the
22 33 laws of this state. Pay plans shall be established for
22 34 employees, other than clerical employees or employees of the
~~22 35 professional licensing and regulation bureau of the banking~~
~~23 1 division,~~ who examine the accounts and affairs of state banks

23 2 and who examine the accounts and affairs of other persons,
23 3 subject to supervision and regulation by the superintendent,
23 4 which are substantially equivalent to those paid by the
23 5 federal deposit insurance corporation and other federal
23 6 supervisory agencies in this area of the United States.

23 7 Sec. 36. Section 524.211, subsection 5, Code 2005, is
23 8 amended to read as follows:

23 9 5. An employee of the banking division, other than the
23 10 superintendent or a member of the state banking council or one
23 11 of the boards in the professional licensing and regulation
23 12 bureau of the division, shall not perform any services for,
23 13 and shall not be a shareholder, member, partner, owner,
23 14 director, officer, or employee of, any enterprise, person, or
23 15 affiliate subject to the regulatory purview of the banking
23 16 division.

23 17 Sec. 37. Section 534.401, subsection 1, Code 2005, is
23 18 amended to read as follows:

23 19 1. SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS. The
23 20 superintendent of savings and loan associations is the
23 21 ~~administrator of professional licensing and regulation~~
23 22 ~~appointed pursuant to section 546.10, subsection 2, or an~~
23 23 ~~individual appointed by the administrator as provided in~~
23 24 ~~section 546.10, subsection 6~~ superintendent of banking.

23 25 Sec. 38. Section 542.4, subsections 1 and 6, Code 2005,
23 26 are amended to read as follows:

23 27 1. An Iowa accountancy examining board is created within
23 28 the professional licensing and regulation bureau of the
23 29 banking division of the department of commerce to administer
23 30 and enforce this chapter. The board shall consist of eight
23 31 members, appointed by the governor and subject to senate
23 32 confirmation, all of whom shall be residents of this state.
23 33 Five of the eight members shall be holders of certificates
23 34 issued under section 542.6, one member shall be the holder of
23 35 a license issued under section 542.8, and two shall not be
24 1 certified public accountants or licensed public accountants
24 2 and shall represent the general public. At least three of the
24 3 holders of certificates issued under section 542.6 shall also
24 4 be qualified to supervise attest services as provided in
24 5 section 542.7. A certified or licensed member of the board
24 6 shall be actively engaged in practice as a certified public
24 7 accountant or as a licensed public accountant and shall have
24 8 been so engaged for five years preceding appointment, the last
24 9 two of which shall have been in this state. Professional
24 10 associations or societies composed of certified public
24 11 accountants or licensed public accountants may recommend the
24 12 names of potential board members to the governor. However,
24 13 the governor is not bound by the recommendations. A board
24 14 member is not required to be a member of any professional
24 15 association or society composed of certified public
24 16 accountants or licensed public accountants. The term of each
24 17 member of the board shall be three years, as designated by the
24 18 governor, and appointments to the board are subject to the
24 19 requirements of sections 69.16, 69.16A, and 69.19. Members of
24 20 the board appointed and serving pursuant to chapter 542C, Code
24 21 2001, on July 1, 2002, shall serve out the terms for which
24 22 they were appointed. Vacancies occurring during a term shall
24 23 be filled by appointment by the governor for the unexpired
24 24 term. Upon the expiration of the member's term of office, a
24 25 member shall continue to serve until a successor shall have
24 26 been appointed and taken office. The public members of the
24 27 board shall be allowed to participate in administrative,
24 28 clerical, or ministerial functions incident to giving the
24 29 examinations, but shall not determine the content or determine
24 30 the correctness of the answers. The licensed public
24 31 accountant member shall not determine the content of the
24 32 certified public accountant examination or determine the
24 33 correctness of the answers. Any member of the board whose
24 34 certificate under section 542.6 or license under section 542.8
24 35 is revoked or suspended shall automatically cease to be a
25 1 member of the board, and the governor may, after a hearing,
25 2 remove any member of the board for neglect of duty or other
25 3 just cause. A person who has served three successive complete
25 4 terms shall not be eligible for reappointment, but appointment
25 5 to fill an unexpired term shall not be considered a complete
25 6 term for this purpose.

25 7 6. The administrator of the professional licensing and
25 8 regulation bureau of the banking division of the department of
25 9 commerce shall provide staffing assistance to the board for
25 10 implementing this chapter.

25 11 Sec. 39. Section 542B.3, Code 2005, is amended to read as
25 12 follows:

25 13 542B.3 ENGINEERING AND LAND SURVEYING EXAMINING BOARD
25 14 CREATED.

25 15 An engineering and land surveying examining board is
25 16 created within the professional licensing and regulation
25 17 bureau of the banking division of the department of commerce.
25 18 The board consists of four members who are licensed
25 19 professional engineers, one member who is a licensed land

25 20 surveyor or a professional engineer who is also a licensed
25 21 land surveyor, and two members who are not licensed
25 22 professional engineers or land surveyors and who shall
25 23 represent the general public. Members shall be appointed by
25 24 the governor subject to confirmation by the senate. A
25 25 licensed member shall be actively engaged in the practice of
25 26 engineering or land surveying and shall have been so engaged
25 27 for five years preceding the appointment, the last two of
25 28 which shall have been in Iowa. Insofar as practicable,
25 29 licensed engineer members of the board shall be from different
25 30 branches of the profession of engineering. Professional
25 31 associations or societies composed of licensed engineers or
25 32 licensed land surveyors may recommend the names of potential
25 33 board members whose profession is representative of that
25 34 association or society to the governor. However, the governor
25 35 is not bound by the recommendations. A board member shall not
26 1 be required to be a member of any professional association or
26 2 society composed of professional engineers or land surveyors.
26 3 Sec. 40. Section 542B.9, Code 2005, is amended to read as
26 4 follows:

26 5 542B.9 ORGANIZATION OF THE BOARD == STAFF.

26 6 The board shall elect annually from its members a
26 7 chairperson and a vice chairperson. The administrator of the
26 8 professional licensing and regulation bureau of the banking
26 9 division of the department of commerce shall hire and provide
26 10 staff to assist the board in implementing this chapter. The
26 11 board shall hold at least one meeting at the location of the
26 12 board's principal office, and meetings shall be called at
26 13 other times by the administrator at the request of the
26 14 chairperson or four members of the board. At any meeting of
26 15 the board, a majority of members constitutes a quorum.

26 16 Sec. 41. Section 543B.8, Code Supplement 2005, is amended
26 17 to read as follows:

26 18 543B.8 REAL ESTATE COMMISSION CREATED == STAFF.

26 19 A real estate commission is created within the professional
26 20 licensing and regulation bureau of the banking division of the
26 21 department of commerce. The commission consists of five
26 22 members licensed under this chapter and two members not
26 23 licensed under this chapter and who shall represent the
26 24 general public. At least one of the licensed members shall be
26 25 a licensed real estate salesperson, except that if the
26 26 licensed real estate salesperson becomes a licensed real
26 27 estate broker during a term of office, that person may
26 28 complete the term, but is not eligible for reappointment on
26 29 the commission as a licensed real estate salesperson. A
26 30 licensed member shall be actively engaged in the real estate
26 31 business and shall have been so engaged for five years
26 32 preceding the appointment, the last two of which shall have
26 33 been in Iowa. Professional associations or societies of real
26 34 estate brokers or real estate salespersons may recommend the
26 35 names of potential commission members to the governor.

27 1 However, the governor is not bound by their recommendations.
27 2 A commission member shall not be required to be a member of
27 3 any professional association or society composed of real
27 4 estate brokers or salespersons. Commission members shall be
27 5 appointed by the governor subject to confirmation by the
27 6 senate. Appointments shall be for three-year terms and shall
27 7 commence and end as provided in section 69.19. A member shall
27 8 serve no more than three terms or nine years, whichever is
27 9 less. No more than one member shall be appointed from a
27 10 county. A commission member shall not hold any other elective
27 11 or appointive state or federal office. Vacancies shall be
27 12 filled for the unexpired term by appointment of the governor
27 13 and are subject to senate confirmation. A majority of the
27 14 commission members constitutes a quorum. The administrator of
27 15 the professional licensing and regulation bureau of the
27 16 banking division shall hire and provide staff to assist the

27 17 commission with implementing this chapter.

27 18 The administrator of the professional licensing and
27 19 regulation bureau of the banking division of the department of
27 20 commerce shall hire a real estate education director to assist
27 21 the commission in administering education programs for the
27 22 commission.

27 23 Sec. 42. Section 543B.54, Code 2005, is amended to read as
27 24 follows:

27 25 543B.54 REAL ESTATE EDUCATION FUND.

27 26 The Iowa real estate education fund is created as a
27 27 financial assurance mechanism to assist in the establishment
27 28 and maintenance of a real estate education program at the
27 29 university of northern Iowa and to assist the real estate
27 30 commission in providing an education director. The fund is

27 31 created as a separate fund in the state treasury, and any
27 32 funds remaining in the fund at the end of each fiscal year
27 33 shall not revert to the general fund, but shall remain in the
27 34 Iowa real estate education fund. Twenty-five dollars per
27 35 license from fees deposited for each real estate salesperson's
28 1 license and each broker's license shall be distributed and are
28 2 appropriated to the board of regents for the purpose of
28 3 establishing and maintaining a real estate education program
28 4 at the university of northern Iowa. The remaining moneys in
28 5 the fund shall be distributed and are appropriated to the
28 6 professional licensing and regulation bureau of the banking
28 7 division of the department of commerce for the purpose of
28 8 hiring and compensating a real estate education director and
28 9 regulatory compliance personnel.

28 10 Sec. 43. Section 543D.4, unnumbered paragraph 1, Code
28 11 2005, is amended to read as follows:

28 12 A real estate appraiser examining board is established
28 13 within the professional licensing and regulation bureau of the
28 14 banking division of the department of commerce. The board
28 15 consists of seven members, two of whom shall be public members
28 16 and five of whom shall be real estate appraisers.

28 17 Sec. 44. Section 544A.1, unnumbered paragraph 2, Code
28 18 2005, is amended to read as follows:

28 19 The architectural examining board is created within the
28 20 professional licensing and regulation bureau of the banking
28 21 division of the department of commerce. The board consists of
28 22 five members who possess a certificate of registration issued
28 23 under section 544A.9 and who have been in active practice of
28 24 architecture for not less than five years, the last two of
28 25 which shall have been in Iowa, and two members who do not
28 26 possess a certificate of registration issued under section
28 27 544A.9 and who shall represent the general public. Members
28 28 shall be appointed by the governor subject to confirmation by
28 29 the senate.

28 30 Sec. 45. Section 544A.5, Code 2005, is amended to read as
28 31 follows:

28 32 544A.5 DUTIES.

28 33 The architectural examining board shall enforce this
28 34 chapter, shall make rules for the examination of applicants
28 35 for the certificate of registration provided by this chapter,
29 1 and shall, after due public notice, hold meetings each year
29 2 for the purpose of examining applicants for registration and
29 3 the transaction of business pertaining to the affairs of the
29 4 board. Examinations shall be given as often as deemed
29 5 necessary, but not less than annually. Action at a meeting
29 6 shall not be taken without the affirmative votes of a majority
29 7 of the members of the board. The administrator of the
29 8 professional licensing and regulation bureau of the banking
29 9 division of the department of commerce shall hire and provide
29 10 staff to assist the board with implementing this chapter.

29 11 Sec. 46. Section 544B.3, unnumbered paragraph 1, Code
29 12 2005, is amended to read as follows:

29 13 A landscape architectural examining board is created within
29 14 the professional licensing and regulation bureau of the
29 15 banking division of the department of commerce. The board
29 16 consists of five members who are professional landscape
29 17 architects and two members who are not professional landscape
29 18 architects and who shall represent the general public.
29 19 Members shall be appointed by the governor, subject to
29 20 confirmation by the senate. A professional member shall be
29 21 actively engaged in the practice of landscape architecture or
29 22 the teaching of landscape architecture in an accredited
29 23 college or university, and shall have been so engaged for five
29 24 years preceding appointment, the last two of which shall have
29 25 been in Iowa. Associations or societies composed of
29 26 professional landscape architects may recommend the names of
29 27 potential board members to the governor. However, the
29 28 governor is not bound by the recommendations. A board member
29 29 shall not be required to be a member of any professional
29 30 association or society composed of professional landscape
29 31 architects.

29 32 Sec. 47. Section 544B.5, Code 2005, is amended to read as
29 33 follows:

29 34 544B.5 DUTIES.

29 35 The board shall enforce this chapter, shall make rules for
30 1 the examination of applicants for licensure, and, after public
30 2 notice, shall conduct examinations of applicants for
30 3 licensure. The board shall keep a record of its proceedings.
30 4 The board shall adopt an official seal which shall be affixed
30 5 to all certificates of licensure granted. The board may make
30 6 other rules, not inconsistent with law, as necessary for the

30 7 proper performance of its duties. The board shall maintain a
30 8 roster showing the name, place of business, and residence, and
30 9 the date and number of the certificate of licensure of every
30 10 professional landscape architect in this state. The
30 11 administrator of the professional licensing and regulation
30 12 bureau of the banking division of the department of commerce
30 13 shall hire and provide staff to assist the board in
30 14 implementing this chapter.

30 15 Sec. 48. Section 544C.1, subsection 2, Code Supplement
30 16 2005, is amended to read as follows:
30 17 2. ~~"Division"~~ "Bureau" means the professional licensing
30 18 and regulation bureau of the banking division of the
30 19 department of commerce.

30 20 Sec. 49. Section 544C.2, subsection 1, Code Supplement
30 21 2005, is amended to read as follows:
30 22 1. An interior design examining board is established
30 23 within the ~~division~~ bureau. The board consists of seven
30 24 members: five members who are interior designers who are
30 25 registered under this chapter and who have been in the active
30 26 practice of interior design for not less than five years, the
30 27 last two of which shall have been in Iowa; and two members who
30 28 are not registered under this chapter and who shall represent
30 29 the general public. Members shall be appointed by the
30 30 governor subject to confirmation by the senate.

30 31 Sec. 50. Section 544C.3, unnumbered paragraph 2, Code
30 32 Supplement 2005, is amended to read as follows:
30 33 The administrator of the ~~division~~ bureau shall provide
30 34 staff to assist the board in the implementation of this
30 35 chapter.

31 1 Sec. 51. Section 544C.5, unnumbered paragraph 1, Code
31 2 Supplement 2005, is amended to read as follows:
31 3 Each applicant for registration must meet the interior
31 4 design education and practical training requirements adopted
31 5 by rule by the board, and have passed an examination
31 6 prescribed by the board that is task-oriented, focused on
31 7 public safety, and validated by a recognized testing agency.
31 8 The ~~division~~ bureau shall register an individual who submits
31 9 an application to the board on the form and in the manner
31 10 prescribed by the board as a registered interior designer if
31 11 the individual satisfies the following requirements:
31 12 Sec. 52. Section 546.2, subsection 3, paragraph g, Code
31 13 2005, is amended by striking the paragraph.

31 14 Sec. 53. Section 546.3, Code 2005, is amended to read as
31 15 follows:
31 16 546.3 BANKING DIVISION.
31 17 1. The banking division shall regulate and supervise banks
31 18 under chapter 524, debt management licensees under chapter
31 19 533A, money services under chapter 533C, delayed deposit
31 20 services under chapter 533D, mortgage bankers and brokers
31 21 under chapter 535B, regulated loan companies under chapter
31 22 536, and industrial loan companies under chapter 536A, and
31 23 shall perform other duties assigned to the division by law.
31 24 The division is headed by the superintendent of banking who is
31 25 appointed pursuant to section 524.201. The state banking
31 26 council shall render advice within the division when requested
31 27 by the superintendent.

31 28 2. The banking division shall administer and manage the
31 29 professional licensing and regulation bureau within the
31 30 division. The division shall separately account for funds of
31 31 the bureau. However, the division may allocate costs for
31 32 administrative, technical, support, and other shared services
31 33 across the entire division.

31 34 Sec. 54. Section 546.5, Code 2005, is amended to read as
31 35 follows:
32 1 546.5 SAVINGS AND LOAN DIVISION.
32 2 The savings and loan division shall regulate and supervise
32 3 savings and loan associations and savings banks under chapter
32 4 534. The division is headed by the superintendent of savings
32 5 and loan associations who shall be ~~appointed pursuant to~~
32 6 ~~section 534.401 the superintendent of banking.~~

32 7 Sec. 55. Section 546.10, Code Supplement 2005, is amended
32 8 to read as follows:
32 9 546.10 PROFESSIONAL LICENSING AND REGULATION ~~DIVISION~~
32 10 BUREAU == SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS.
32 11 1. The professional licensing and regulation bureau of the
32 12 banking division shall administer and coordinate the licensing
32 13 and regulation of several professions by bringing together the
32 14 following licensing boards:
32 15 a. The engineering and land surveying examining board
32 16 created pursuant to chapter 542B.
32 17 b. The Iowa accountancy examining board created pursuant

32 18 to chapter 542.

32 19 c. The real estate commission created pursuant to chapter
32 20 543B.

32 21 d. The architectural examining board created pursuant to
32 22 chapter 544A.

32 23 e. The landscape architectural examining board created
32 24 pursuant to chapter 544B.

32 25 f. The real estate appraiser examining board created
32 26 pursuant to section 543D.4.

32 27 g. The interior design examining board created pursuant to
32 28 chapter 544C.

32 29 2. ~~The division bureau is headed by the administrator of~~
32 30 ~~professional licensing and regulation who shall be appointed~~
32 31 ~~by the governor subject to confirmation by the senate and~~
32 32 ~~shall serve a four-year term that begins and ends as provided~~
32 33 ~~in section 69.19 the superintendent of banking. A vacancy~~
32 34 ~~shall be filled for the unexpired portion of the term in the~~
32 35 ~~same manner as a full-term appointment is made. The~~
33 1 administrator shall appoint and supervise staff and shall
33 2 coordinate activities for the licensing boards within the
33 3 ~~division bureau. The administrator shall act as a staff~~
33 4 ~~person to one or more of the licensing boards.~~

33 5 3. The licensing and regulation examining boards included
33 6 in the ~~division bureau~~ pursuant to subsection 1 retain the
33 7 powers granted them pursuant to the chapters in which they are
33 8 created, except for budgetary and personnel matters which
33 9 shall be handled by the administrator. Each licensing board
33 10 shall adopt rules pursuant to chapter 17A. Decisions by a
33 11 licensing board are final agency actions for purposes of
33 12 chapter 17A.

33 13 Notwithstanding subsection 5, eighty-five percent of the
33 14 funds received annually resulting from an increase in
33 15 licensing fees implemented on or after April 1, 2002, by a
33 16 licensing board or commission listed in subsection 1, is
33 17 appropriated to the professional licensing and regulation
33 18 ~~division bureau~~ to be allocated to the board or commission for
33 19 the fiscal year beginning July 1, 2002, and succeeding fiscal
33 20 years, for purposes related to the duties of the board or
33 21 commission, including but not limited to additional full-time
33 22 equivalent positions. The director of the department of
33 23 administrative services shall draw warrants upon the treasurer
33 24 of state from the funds appropriated as provided in this
33 25 section and shall make the funds available to the professional
33 26 licensing ~~division and regulation bureau~~ on a monthly basis
33 27 during each fiscal year.

33 28 4. ~~The professional licensing and regulation bureau of the~~
33 29 ~~banking division of the department of commerce may expend~~
33 30 ~~additional funds, including funds for additional personnel, if~~
33 31 ~~those additional expenditures are directly the cause of actual~~
33 32 ~~examination expenses exceeding funds budgeted for~~
33 33 ~~examinations. Before the division bureau expends or encumbers~~
33 34 ~~an amount in excess of the funds budgeted for examinations,~~
33 35 ~~the director of the department of management shall approve the~~
34 1 ~~expenditure or encumbrance. Before approval is given, the~~
34 2 ~~director of the department of management shall determine that~~
34 3 ~~the examination expenses exceed the funds budgeted by the~~
34 4 ~~general assembly to the division bureau and the division~~
34 5 ~~bureau does not have other funds from which the expenses can~~
34 6 ~~be paid. Upon approval of the director of the department of~~
34 7 ~~management, the division bureau may expend and encumber funds~~
34 8 ~~for excess examination expenses. The amounts necessary to~~
34 9 ~~fund the examination expenses shall be collected as fees from~~
34 10 ~~additional examination applicants and shall be treated as~~
34 11 ~~repayment receipts as defined in section 8.2, subsection 8.~~

34 12 5. Fees collected under chapters 542, 542B, 543B, 543D,
34 13 544A, ~~and 544B, and 544C~~ shall be paid to the treasurer of
34 14 state and credited to the general fund of the state. All
34 15 expenses required in the discharge of the duties and
34 16 responsibilities imposed upon the professional licensing ~~and~~
34 17 ~~regulation bureau of the banking division of the department of~~
34 18 ~~commerce, the administrator, and the licensing boards by the~~
34 19 ~~laws of this state shall be paid from moneys appropriated by~~
34 20 ~~the general assembly for those purposes. All fees deposited~~
34 21 ~~into the general fund of the state, as provided in this~~
34 22 ~~subsection, shall be subject to the requirements of section~~
34 23 ~~8.60.~~

34 24 6. ~~The administrator of professional licensing and~~
34 25 ~~regulation is the superintendent of savings and loan~~
34 26 ~~associations. The administrator may appoint an individual to~~
34 27 ~~act as the superintendent who shall serve as the~~
34 28 ~~superintendent at the pleasure of the administrator. The~~

34 29 licensing and regulation examining boards included in the
34 30 bureau pursuant to subsection 1 may refuse to grant or renew a
34 31 license to practice a profession to any person otherwise
34 32 qualified upon any of the grounds for which a license may be
34 33 revoked or suspended or otherwise disciplined, or upon any
34 34 other grounds set out in the respective chapter for that
34 35 board.

35 1 7. The licensing and regulation examining boards included
35 2 in the bureau pursuant to subsection 1 may suspend, revoke, or
35 3 refuse to issue or renew a license, or may discipline a
35 4 licensee based upon a suspension, revocation, or other
35 5 disciplinary action taken by a licensing authority in this or
35 6 another state, territory, or country. For purposes of this
35 7 subsection, "disciplinary action" includes the voluntary
35 8 surrender of a license to resolve a pending disciplinary
35 9 investigation or proceeding. A certified copy of the record
35 10 or order of suspension, revocation, voluntary surrender, or
35 11 other disciplinary action is prima facie evidence of such
35 12 fact.

35 13 8. Notwithstanding any provision of section 272C.3 to the
35 14 contrary, the maximum amount of a civil penalty imposed as a
35 15 disciplinary measure by the licensing and regulation examining
35 16 boards included in the bureau pursuant to subsection 1 may, in
35 17 the discretion of the board and taking into account the
35 18 severity of the violation, be increased from one thousand
35 19 dollars per occurrence to ten thousand dollars per occurrence.

35 20 9. Notwithstanding any other provision of law to the
35 21 contrary, the licensing and regulation examining boards
35 22 included in the bureau pursuant to subsection 1 may by rule
35 23 establish the conditions under which an individual licensed in
35 24 a different jurisdiction may be issued a reciprocal or comity
35 25 license when, in the board's vested discretion, the
35 26 applicant's qualifications for licensure are substantially
35 27 equivalent to those required of applicants for initial
35 28 licensure.

35 29 10. Notwithstanding any provision of section 272C.6 to the
35 30 contrary, the licensing and regulation examining boards
35 31 included in the bureau pursuant to subsection 1 may by rule
35 32 establish the conditions under which the board may supply to a
35 33 licensee who is the subject of a disciplinary complaint or
35 34 investigation, prior to the initiation of a disciplinary
35 35 proceeding, all or such parts of a disciplinary complaint,
36 1 disciplinary or investigatory file, report, or other
36 2 information, as the board in its sole discretion believes
36 3 would aid the investigation or resolution of the matter.
36 4 Except as otherwise provided by law, such records shall remain
36 5 privileged and confidential to the general public until a
36 6 contested case proceeding is initiated pursuant to section
36 7 17A.2.

36 8 EXPLANATION

36 9 Division I of this bill relates to and appropriates moneys
36 10 to various state departments, agencies, and funds for the
36 11 fiscal year beginning July 1, 2006, and ending June 30, 2007.
36 12 The division makes appropriations to state departments and
36 13 agencies including the department of administrative services,
36 14 auditor of state, Iowa ethics and campaign disclosure board,
36 15 department of commerce, office of governor including the
36 16 lieutenant governor, Terrace Hill quarters and drug control
36 17 policy office, department of human rights, department of
36 18 inspections and appeals, department of management, Iowa public
36 19 employees' retirement system, secretary of state, treasurer of
36 20 state, and department of revenue. The division also
36 21 appropriates funding for the state's membership in the
36 22 national governors association.

36 23 Division II makes changes to several statutory provisions
36 24 related to the appropriations made in the bill.

36 25 Code section 7.13, concerning the governor-elect expense
36 26 fund, is amended to increase the amount appropriated to that
36 27 fund from \$10,000 to \$100,000.

36 28 Code section 216A.2 is amended to provide that the director
36 29 of the department of human rights is authorized to solicit and
36 30 accept gifts and grants.

36 31 Code section 421.17, subsection 27, concerning debt
36 32 collection by the department of revenue for state agencies, is
36 33 amended to permit other state agencies and local governments
36 34 to utilize the centralized debt collection facility. A
36 35 standing appropriation is made from the collections generated
37 1 to allow the department of revenue to be able to recoup its
37 2 costs. The department's costs may include upgrades to
37 3 computer systems and adding additional personnel.

37 4 Code section 422.26, concerning tax liens, is amended to

37 5 provide that the department of revenue is required to pay the
37 6 recording fee for the lien whether moneys are appropriated to
37 7 the department for that purpose or not.
37 8 Code section 453A.7, concerning printing cigarette and
37 9 little cigar tax stamps, is amended to provide that the
37 10 standing appropriation to administer this section is changed
37 11 from \$115,000 to the amount sufficient to administer the
37 12 section from any funds in the state treasury not otherwise
37 13 appropriated.
37 14 Code section 8.8, providing an annual appropriation of
37 15 \$50,000 to the Special Olympics fund, is repealed.
37 16 Code section 331.660, providing an annual appropriation of
37 17 \$25,000 to Tama county for an Indian settlement officer, is
37 18 repealed.
37 19 Code sections 422.120 through 422.122, concerning the
37 20 livestock production tax credit for a cow-calf operation, is
37 21 repealed upon enactment of the bill and is applicable for tax
37 22 years beginning on or after January 1, 2006.
37 23 Division III of the bill eliminates the professional
37 24 licensing and regulation division within the department of
37 25 commerce and reassigns it as a bureau of the banking division.
37 26 The superintendent of banking is made the administrator of the
37 27 professional licensing and regulation bureau established by
37 28 the bill and is also made the superintendent of savings and
37 29 loan associations.
37 30 The bill provides that the banking division shall
37 31 administer and manage the new professional licensing and
37 32 regulation bureau but shall separately account for funds of
37 33 the bureau. The bill does allow the division to allocate the
37 34 costs of providing administrative support to the bureau across
37 35 the banking division.
38 1 The bill amends Code section 546.10 to specifically provide
38 2 that boards under the licensing bureau can refuse or fail to
38 3 renew a license to practice based upon a suspension,
38 4 revocation, or other disciplinary action taken in another
38 5 state, territory, or country. In addition, the bill provides
38 6 that each board within the bureau may establish by rule
38 7 conditions by which a person licensed in a different
38 8 jurisdiction may be issued a reciprocal license to practice in
38 9 this state. The bill also provides boards under the bureau
38 10 the discretion to impose a civil penalty as a disciplinary
38 11 measure from \$1,000 to \$10,000 based upon the severity of the
38 12 violation. Code section 272C.6 currently limits the maximum
38 13 civil penalty to \$1,000. Finally, the change to Code section
38 14 546.10 provides that boards under the bureau may establish
38 15 conditions by which information related to a disciplinary
38 16 action may be provided the licensee subject to the
38 17 disciplinary action. The bill also provides that these
38 18 records remain privileged and confidential until a contested
38 19 case proceeding is initiated.
38 20 LSB 5177XG 81
38 21 ec:mg/je/5.2